

California Water District

(Sections 34000 - 38500, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of a California Water District, is composed of a five-member elected board of directors, each of whom must be a landowner within the district or the legal representative of a landholder within the district. At any time after four years from the date of the district's formation, the board may, by resolution, increase the number of directors from 5 to 7, 9, or 11, and may designate the first additional members to serve on the enlarged board (34700, et seq.).

Functions

The specific powers that the board of directors may exercise are the acquisition and operation of works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes, and any drainage or reclamation works connected with such undertakings. The board of directors may also acquire and operate facilities and services for the collection, treatment, and disposal of sewage, waste, and storm waters.

In addition to these specific powers, the board of directors of the district has the power to perform all acts necessary or proper to carry out fully the provisions of this division. These are general powers granted to the board of directors of all special districts. However, for a listing of these general powers, it is advisable to review Sections 35400-35409 of the Water Code.

Formation

The formation process is initiated by petition to the principal county by holders of title to a majority of land that is capable of using water beneficially for irrigation, domestic, industrial, or municipal purposes, and that can be serviced from common sources of supply and by the same system of works. If noncontiguous land is included, the petition shall be signed by holders of title to a majority of the assessed value of land within each of the noncontiguous areas proposed to be included within the district.

Prior to circulating petitions, the proponent shall file with the LAFCO Executive Officer a Notice of Intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. After filing the notice, the petition may be circulated for signatures (Government Code 56700.4).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made.

At the conducting authority stage, the conducting authority shall make an order doing the following (34306):

1. Establishing and describing the district boundaries; and
2. Naming the proposed district.

After making this order, the Commission shall call and give notice of an election, at which the following are entitled to vote (34400):

1. Only holders of title to land in the proposed district may vote. Their vote may be in person or by proxy. (Rules for voting by proxy are set forth in Section 35005 of the Water Code.)
2. Each voter shall have one vote for each dollar's worth of land to which he or she holds title (35003).

If, after the election, a majority of all the votes cast favor the formation of the district, the territory shall be formed as a district (34500).

Pertaining to the proposed boundaries of a California Water District, the following territory may be included (34153):

1. Land located in one or more counties;
2. Noncontiguous areas may be included if portions of the proposed district are separated by land under the control of a state hospital, or the boundary of each portion of the proposed district is within two miles of the boundary of another portion of the proposed district (34153); and
3. Land situated in other distinctive district agencies of the state, including other water agencies organized under the provisions of this division having different plans and purposes and the object of which is not the same (34157).

Annexation

After the district has been formed, the boundaries of the district may be altered adding contiguous or noncontiguous, incorporated or unincorporated territory. Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.

Community Services District

(Sections 61000 - 61934, Government Code)

Governing Body

The governing body of a community services district may be appointed or elected, and is composed of a three or five-member board of directors. The method of selection and the number of directors will be as set forth in the petition of formation. The initial board of directors of a district formed on or after January 1, 1990, and containing only unincorporated territory in a single county, may be elected or appointed by the board of supervisors, which may appoint itself. Representation on the board of directors of districts containing territory in more than one county, containing only incorporated territory, or containing a combination of incorporated and unincorporated territory will vary according to the territory included (61101 & 61120).

If formed pursuant to a consolidation or reorganization of two or more districts into a single district, LAFCO may increase the number of directors of the consolidated or reorganized district to 7, 9, or 11. As terms expire, the number of directors shall be reduced through attrition until the number of directors is in conformance with the number specified by LAFCO (61210.1).

Functions

The specific powers that the board of directors may exercise are (61600):

1. Supply inhabitants of the district with water for domestic, irrigation, sanitation, industrial, fire protection, and recreation use;
2. Collection, treatment, or disposal of sewage, and waste and storm water;
3. Collection or disposal of garbage or refuse matter;
4. Protection against fire;
5. Public recreation and parks, playgrounds, golf courses, etc.;
6. Street lighting;
7. Mosquito abatement;
8. Police protection and other security services;

9. Library buildings and library services;
10. Street improvement, maintenance, and repair (subject to consent of governing body of city or county in which improvements are made). (Note: landscape maintenance may be provided if the area to be maintained is in the right-of-way of a road that is being maintained);
11. Construction and improvement of bridges, culverts, curbs, gutters, and drains (subject to the consent limitations of item 10 above);
12. Conversion of overhead electric and communications facilities to underground locations when such facilities are owned and operated by a "public utility" or "public agency," subject to consent of the public utility or public agency responsible for such facilities;
13. Contract for ambulance service if a majority of the voters in the district voting in an election thereon, approve;
14. Provide and maintain public airports and landing places for aerial traffic;
15. Provide transportation services;
16. Abate graffiti;
17. Construct, maintain, and operate flood control facilities subject to the following conditions: (a) the facilities are not within the authority of another public agency, except that the public agency and the district are not precluded from entering into agreements for the district to provide those services; and (b) the governing body of the city or county in which the services are to be provided by the district has consented to the district providing those services; and
18. Establish improvement districts (61710).

After formation, should the district's board of directors determine that it is feasible, economically sound, and in the public interest for the district to exercise its powers for additional purposes not designated in the original formation petition, the board may submit to the district voters the question of whether the district should perform such additional purposes (61601).

Formation

The formation process may be initiated by presenting to San Diego LAFCO a petition signed by at least 10% of the registered voters residing in the area to be included in the district (61103), or by presenting to LAFCO a resolution of

application from the legislative body of any county or city, which contains territory proposed to be included in the district (61106).

Prior to circulating petitions, the proponent shall file with the LAFCO Executive Officer a Notice of Intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal (Government Code 56700.4).

In addition to the above requirement, prior to circulating petitions, the chief petitioners must: (1) publish a Notice of Intention in a newspaper within the territory proposed to be included in the district (if the territory of the district is located in more than one county, notice must be published in a newspaper in each of the counties); and (2) within five days after the date of publication, file with LAFCO a copy of the notice and an affidavit from the newspaper certifying publication (61102). Within six months of filing the affidavit, the petitions are filed with the LAFCO of the principal county (61104).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made.

If San Diego LAFCO approves the formation of the district, the Commission, acting as the Conducting Authority, shall call and give notice of an election to be held in the area of the proposed district. After the election, if the majority of the votes cast favor the formation, the district shall be formed (61110 & 61117).

If the Commission of the principal county finds that the petition filed with LAFCO has been signed by not less than 80% of the registered voters residing within the area to be included within the district, the Commission may dispense with an election, adopt the resolution declaring the district organized, and designate the members of the board of directors (61111). The formation election may be combined with a proposal for adoption by the voters of a special tax and presented to the voters as a single ballot proposition. If both proposals are presented as a single ballot proposition, the district shall not be formed and the special tax shall not take effect unless the proposition is approved by two-thirds of the voters voting on the proposition (61116).

Annexation

After the district has been formed, the boundaries of the district may be altered and contiguous or noncontiguous unincorporated territory may be annexed to the district. Incorporated territory that is contiguous to the district may be annexed to the district with the consent of the affected city (61800).

County Sanitation District

(Sections 4700 - 4859, Health and Safety Code)

Governing Body

The governing body, which is established by law to administer the operation of a county sanitation district, is composed of a board of directors of not less than three members. The makeup of the board of directors is as follows:

1. If the district includes no territory that is within cities or sanitary districts, then the county board of supervisors is the board of directors (4730);
2. If the territory of the district lies wholly within a city, the legislative body of said city is the board of directors of the district (4730); or
3. If the district includes territory within a city, another sanitation district, or public agency, then the board of directors shall be composed of the presiding officer of each agency's legislature (4730.1).

If formed pursuant to a consolidation or reorganization of two or more districts into a single district, LAFCO may increase the number of directors of the consolidated or reorganized district to 7, 9, or 11. As terms expire, the number of directors shall be reduced through attrition until the number of directors is in conformance with the district's principal act or a larger number specified by LAFCO (4730.4).

Functions

The specific powers that the board of directors may exercise are as follows:

1. To acquire, construct, and complete sewage collection, treatment, and disposal works (4741);
2. To construct, maintain, and operate a refuse transfer or disposal system (refuse collection is prohibited) (4741);
3. To make provision for street cleaning and street sweeping services upon the roads and streets within the boundaries of the district (4742.5); and
4. To acquire, construct, control, operate, and maintain waterworks, conduits, reservoirs, storage sites and other works and facilities for the production, treatment, storage, and distribution of a water supply (4767).

In addition to these specific powers, the board of directors may exercise certain other general powers in the operation of the district. For a listing of these general powers, it is advisable to review Sections 4741 - 4767 of the Health and Safety Code.

Formation

The formation proceedings can only be initiated by the passage of a resolution of intention by the board of supervisors. This resolution shall contain, among other things, the district boundaries and the name of the proposed district.

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made.

At the conducting authority hearing, proceedings shall be terminated by the Commission if written protests are submitted by owners of more than one-half of the total assessed value of real property within the proposed district (4714, 4714.5 & 4715).

An election on the formation of the proposed district is not required unless written objection, signed by 5% of the voters registered in the district if the district contains less than 2,001 registered voters, or signed by 2% of the voters if the district contains more than 2,001 registered voters, is received. However, if the district has more than 2,001 registered voters, the written objection must contain at least 100 signatures. If such written protest is presented to the Commission, the Commission either abandons the formation proceedings or calls an election. At the called election, if a majority of the qualified electors vote in favor of formation, the district is formed (4715).

With respect to the proposed boundaries of a county sanitation district, the following territory may be included:

1. Contiguous or noncontiguous territory (4711.5); and
2. Unincorporated and/or incorporated territory (however, the city's consent is required if only a part of its boundaries is included in the proposed district) (4711).

Territory of a district formed for similar purposes may not be included except with the consent of such district and the board of supervisors (4711).

Annexation

After the district has been formed, the boundaries of the district may be altered and the following territory may be annexed to the district:

1. Any territory not in any other sanitation district or district formed for similar purposes;
2. Contiguous or noncontiguous territory, except only contiguous territory in another county may be annexed; and
3. Unincorporated and/or incorporated territory.

Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.

County Service Area

(Sections 25210.1 - 25211.33, Government Code)

Governing Body

The governing body, which is established by law to administer the operation of a County Service Area (CSA), is the board of supervisors. The original intent of the county service area law was to give an alternative method for providing governmental services by counties within unincorporated areas, many of which have had large population growth as well as commercial and industrial development since 1940 (25210.1).

Functions

A CSA may be established to provide any one or more of the following types of extended services within an unincorporated area (25210.4 - 25210.4(b)):

1. Extended police protection;
2. Structural fire protection;
3. Local park, recreation, or parkway facilities and services;
4. Extended library facilities and services;
5. Television translator station facilities and services;
6. Low-power television services; and
7. Any other governmental services, referred to as miscellaneous extended services, which the county is authorized by law to perform, and which the county does not also perform to the same extent on a county-wide basis both within and outside city boundaries. These other governmental services shall include but not be limited to the following:
 - A. Water service;
 - B. Sewer service;
 - C. Pest or rodent control;
 - D. Street & highway sweeping;

- E. Street & highway lighting;
- F. Refuse collection;
- G. Garbage collection;
- H. Ambulance service;
- I. Planning for a part of the county;
- J. Soil conservation & drainage control;
- K. Animal control;
- L. Services provided by a municipal advisory committee;
- M. Transportation services;
- N. Geologic hazard abatement; and
- O. Road maintenance & improvement

Formation

The formation process may be initiated by: (1) a resolution of the board of supervisors, or a resolution adopted by a majority of members of the governing body of any city in a county; or (2) a petition, submitted to LAFCO, signed by not less than 10% of the registered voters residing within the area. After receipt of the written request or petition, LAFCO shall fix a time and place for a public hearing on the establishment of the service area (25210.11).

If initiated by petition, prior to circulating petitions, the proponent shall file with the LAFCO Executive Officer a Notice of Intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. After filing the notice, the petition may be circulated for signatures (Government Code 56700.4).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing. The conducting authority may alter the boundaries to include less territory or eliminate a type of service initially proposed to be provided. The

conducting authority may not, however, include additional territory or add additional services (25210.18).

The Commission may form a CSA without notice, hearing, or an election, if the Commission has received written consent to the formation signed by all of the landowners within the proposed service area (56837 & 25210.14 56663).

At the conducting authority protest hearing, the Commission shall terminate the proceedings if citizens living in the proposed district present a written protest signed by 50% or more of the registered voters, or signed by the owners of one-half or more of the value of the land and improvements in the proposed district (25210.17(a) & 5210.18). Otherwise, the Commission may choose to terminate the proceedings or adopt a resolution ordering the formation without an election or ordering the formation subject to an election (25210.18). However, if within 60 days from the adoption of a resolution ordering the formation without an election, a petition, signed by 10% or more of the registered voters, is filed with the board, the board, after reconsidering the resolution, must either rescind the resolution or call for an election of the voters residing in the proposed service area. At this election, a majority of the qualified voters must vote in favor of the issue for the service area to be formed (25210.21 & 25210.22).

Pertaining to the boundaries of a county service area, the following territory may be included:

1. Contiguous or noncontiguous territory (25210.80); and
2. Unincorporated or incorporated territory (incorporated territory may be included only if the city legislative body consents by resolution) (25210.10 & 25210.10(a)).

Annexation

After the CSA has been formed, the boundaries of the service area may be altered and the following territory may be annexed (25210.80 & 25210.80(a)):

1. Both contiguous and noncontiguous territory; and
2. Unincorporated and incorporated territory (incorporated territory may be annexed only if a majority of the city legislative body consents by resolution).

Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.

County Water District

(Sections 30000 - 33900, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of a county water district, is composed of a five-member board of directors. These directors whether appointed or elected shall be voters of the district (30500).

If formed pursuant to a consolidation or reorganization of two or more districts into a single district, LAFCO may increase the number of directors of the consolidated or reorganized district to 7, 9, or 11. As terms expire, the number of directors shall be reduced through attrition until the number of directors is in conformance with the district's principal act or a larger number specified by LAFCO (30500.1).

If on or before July 1, 1977, the district assumed the responsibilities of a sanitary district, the board of directors may, and from time to time thereafter, increase the number of directors to 7, 9, or 11 (30502).

Functions

The specific powers that the board of directors may exercise are the following:

1. Furnish sufficient water throughout the district for any present or future beneficial use. To accomplish this purpose, the district has the power for storage and conservation of water and water rights, and the operation of waterworks (31020 - 31022);
2. Generate and sell electric power in connection with a water conservation project (31149.1 - 31149.2);
3. Acquisition, construction, and operation of facilities for the collection, treatment, and disposal of sewage, waste and storm water. A district may also provide the services under this section to inhabitants outside its boundaries provided it does not provide services to inhabitants of any other public agency without the consent of that agency expressed by resolution or ordinance (31100). (Note: AB 1335, enacted in 1993, requires that districts first obtain written approval from LAFCO prior to extending services outside their jurisdictional boundaries. Exceptions to this requirement are listed in Government Code Section 56133);
4. Draining and reclaiming lands within the district (31033);

5. Provide fire protection (31120 - 31121); and
6. Acquire, construct, maintain, and operate facilities appropriate or ancillary to the recreational use of water, provided that recreational use of water shall be subject to approval of the public health authority having jurisdiction (31130).

In addition to these specific powers, the board of directors of the district has the general powers to perform acts necessary or proper to carry out the provisions of this division. For a listing of these general powers, it is advisable to review Sections 31000 - 31187 of the Water Code.

Formation

The formation process is initiated by a petition to LAFCO signed by 10% of the number of voters registered 30 days prior to the petition filing date. However, if incorporated territory is included in the proposed district, the petition must be signed by 10% of the voters of the unincorporated area and 10% of the voters of each municipal area or part thereof, with the 10% representing the votes cast at the last general election (30202 & 30203).

Prior to circulating petitions, the proponent shall file with the LAFCO Executive Officer a Notice of Intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. After filing the notice, the petition may be circulated for signatures (Government Code 56700.4).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made.

At the conducting authority stage, the Commission may terminate further formation proceedings or, if the Commission determines that the proposed district is in the public interest, it shall call an election on the next established election date on the issue of the formation of the district. If at the election a majority favorable vote is cast by the registered electors, the district shall be formed (30264.1, 30291 & 30297).

Pertaining to the proposed boundaries of a county water district, the following territory may be included (30200):

1. Incorporated and/or unincorporated territory;

2. Contiguous territory; and
3. Two or more contiguous counties.

Annexation

After the district has been formed, the boundaries of the district may be altered and the following territory annexed (32400):

1. Incorporated or unincorporated territory;
2. Contiguous or noncontiguous territory; and
3. Land in any county contiguous to the county wherein the district was formed.

Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.

Note: A county water district may, by resolution of the board of directors, change the name of the district. The changed name need not include the word "county" (31006).

County Waterworks District

(Sections 55000 - 55991, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of a county waterworks district, is the board of supervisors. Under former law, the board of supervisors was required to appoint a separate board of directors under certain conditions. The board of supervisors may now appoint, and, at any time, dissolve a board of directors governing a county waterworks district. Where the district becomes a subsidiary district of a city pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act, the city council of the city is the governing board of the district (55301 & 55302).

Functions

The specific powers that the board of supervisors may exercise are as follows (55330 - 55336):

1. The supplying of water for irrigation, domestic, industrial, or fire protection purposes, and for the development and conservation of water supplies for those purposes (55331);
2. Acquisition, purification, treatment, and reclamation of saline water or sewage, or both (55335); and
3. Construction, maintenance, and operation of sewage collection and treatment facilities (55335.5).

Formation

The formation process is initiated by presenting a petition to LAFCO signed by not less than 25% of the residents within the proposed district, or not less than 25% of the landowners residing within the proposed district, or not less than 25% of the landowners resident and non-resident including not less than 15% of such resident landowners (55103).

Prior to circulating petitions, the proponent shall file with the LAFCO Executive Officer a Notice of Intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. After filing the notice, the petition may be circulated for signatures (Government Code 56700.4).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made.

At the conducting authority stage, the Commission shall terminate proceedings if protests have been made by more than 50% of the assessed value of real property within the proposed district, or by the owners of more than 50% of the total acreage within the proposed district (55162). Otherwise the Commission may declare the district formed (55161), or set the matter for an election (55180).

If, at the election, a majority of all the votes cast are in favor of the formation of the district, the Commission shall declare the district formed (55186).

The following territory may be included within the boundaries of a proposed county waterworks district (55100 - 55200):

1. Any portion of a county containing unincorporated territory;
2. The whole or any portion of one or more incorporated cities, and contiguous unincorporated territory; and
3. Two or more noncontiguous parcels but no parcel under ten acres.

Annexation

After the district has been formed, the boundaries of the district may be altered and the following territory annexed:

1. Unincorporated and incorporated territory; and
2. Contiguous or noncontiguous territory.

Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.

Irrigation District

(Sections 20500 - 29976, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of an irrigation district, is composed of a three or five-member board of directors elected at large or by divisions of the district (20721 & 21550).

If formed pursuant to a consolidation or reorganization of two or more districts into a single district, LAFCO may increase the number of directors of the consolidated or reorganized district to 7, 9, or 11. As terms expire, the number of directors shall be reduced through attrition until the number of directors is in conformance with the district's principal act or a larger number specified by LAFCO (21552.1).

Functions

The specific powers that the board of directors may exercise are to supply water for beneficial purposes; provide for any and all drainage made necessary by the irrigation provided for by the district; purchase or lease electric power and provide for the acquisition, operation, and control of plants for the generation, transmission, etc. of electric power; acquire and operate an airport or aviation school; provide, maintain, and operate flood control works in districts having 200,000 acres or more; reclaim waste water for beneficial use; sewage disposal if approved by majority at election (see 22171); construct, maintain, and operate recreational facilities in connection with dams, reservoirs, or other work owned and constructed by the district (22075 - 22825).

Note: Irrigation Districts that offered electric services to retail customers as of January 1, 1999, may not construct, lease, acquire, install, or operate facilities for the distribution or transmission of electricity to retail customers located in the service territory of an electrical corporation providing electric distribution services, unless the district has first applied for and received approval of the Public Utilities Commission (Public Utilities Code Section 9607).

Formation

The formation process is initiated by a petition to San Diego LAFCO by a majority of the property owners who also own a majority of value of the land in the proposed district; or by 500 petitioners, each of whom is a voter residing in the proposed district or a holder of title, which petition is signed by holders of title to not less than 20% in value of land therein. A copy of the petition is sent to the State Department

of Public Works for a report on feasibility. There is no provision for initiation by resolution (20700 & 20820 - 20822).

Prior to circulating petitions, the proponent shall file with the LAFCO Executive Officer a Notice of Intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. After filing the notice, the petition may be circulated for signatures (Government Code 56700.4).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made.

At the conducting authority proceedings, the Commission must call an election. If a majority of the qualified voters of the proposed district vote in its favor, the district shall be formed (20960).

Contiguous or noncontiguous territory may be included within the proposed boundaries of an irrigation district (20701).

Annexation

After the district has been formed, the boundaries of the district may be altered and the following territory may be annexed to the district:

1. Contiguous or noncontiguous territory; and
2. Incorporated or unincorporated territory.

Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.

Municipal Utility District

(Sections 11501 - 14509, Public Utilities Code)

Governing Body

The governing body, which is established by law to administer the operation of a municipal utility district, is composed of a five-member board of directors elected by the wards within the district (11801).

Functions

The specific powers the board of directors may exercise are to acquire, construct, own, operate, control or use, inside or outside, or partly inside or outside, the district, works or parts of works for supplying the inhabitants of the district and public agencies therein, or some of them, with light, water, power, heat, transportation, telephone services, or other means of communication, or means for the collection, treatment, or disposition of sewage; and may do all things necessary or convenient to the full exercise of the powers herein granted (12801).

In addition, the district may construct facilities necessary for the generation, transmission, or distribution of electricity and construct, maintain, improve, and operate public recreational facilities appurtenant to any water reservoir owned or operated by the district (12817, 12850 & 12851).

Formation

The formation process is initiated by a petition filed with San Diego LAFCO signed by 10% of the total vote cast, or by resolutions adopted by half or more of the public agencies to be included in the proposed district. The Public Utilities Code defines a public agency as a city, county water district, county sanitation district, or a sanitary district (11504).

Prior to circulating petitions, the proponent shall file with the LAFCO Executive Officer a Notice of Intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. After filing the notice, the petition may be circulated for signatures (Government Code 56700.4).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for

the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made.

At the conducting authority hearing, the Commission must call for an election. If a majority of the voters voting in the election vote in its favor, the district shall be formed. The district may be established only if the number of registered voters in the approving public agencies and parcels of unincorporated territory is two-thirds or more of the total number of registered voters within the district as originally proposed (11652).

The following territory may be included within the proposed boundaries of a municipal utilities district and may be located within one or more counties (11561):

1. Incorporated or unincorporated territory, though no public agency may be divided; and
2. Contiguous or noncontiguous territory.

Annexation

After the district has been formed, the boundaries of the district may be altered and unincorporated territory may be annexed to the district, except that noncontiguous unincorporated territory may not be annexed if the district does not possess facilities for supplying utility services to that territory. Any public agency not included within the boundaries of a district may be annexed if approved by a majority vote in an election (13801 & 13851).

Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.

Municipal Water District

(Sections 71000 - 73000, Water Code)

Governing Body

The governing body, which is established by law to administer the operation of a municipal water district, is composed of a five-member board of directors elected from divisions of the district (71250).

If formed pursuant to a consolidation or reorganization of two or more districts into a single district, LAFCO may increase the number of directors of the consolidated or reorganized district to 7, 9, or 11. As terms expire, the number of directors shall be reduced through attrition until the number of directors is in conformance with the district's principal act or a larger number specified by LAFCO (71250.1).

Functions

The specific powers that the board of directors may exercise are to supply water for beneficial purposes; construct, improve, and operate public recreational facilities appurtenant to facilities operated or contracted to be operated by the district; acquire, construct, and operate facilities for providing fire protection, and emergency medical services, including ambulance and paramedic services (71680); acquire waterworks or a waterworks system, waters or water rights; and acquire, construct, and operate sanitation facilities (71590 - 71689.27).

Formation

The formation process is initiated by a petition signed by voters equal to 10% of the number of voters in the proposed district 30 days before the petition is filed. In addition, if a city is included, the petition must be signed by 10% of the voters of each city who are registered to vote 30 days before the petition is filed. If only a portion of a city is included, special provisions applicable to the petition are found in Section 71122 of the Water Code (71121). There is no provision for initiation by a resolution of the board of supervisors.

Prior to circulating petitions, the proponent shall file with the LAFCO Executive Officer a Notice of Intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. After filing the notice, the petition may be circulated for signatures (Government Code 56700.4).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve,

modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made.

At the conducting authority hearing, the Commission must call for an election. If a majority of voters of the district vote in its favor, the district shall be formed (71168 - 71190).

The following territory may be included within the proposed boundaries of a municipal water district (71060 - 71061):

1. Land located in one or more counties or cities; -
2. Unincorporated and/or incorporated territory; and
3. Contiguous or noncontiguous territory.

Annexation

After the district has been formed, the boundaries of the district may be altered, and the following territory may be annexed to the district:

1. Contiguous or noncontiguous territory; and
2. Unincorporated territory or an undivided city (71071 - 71081).

Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.

Public Utility District

(Sections 15501 - 18055, Public Utilities Code)

Governing Body

The governing body, which is established by law to administer the operation of a public utility district, is composed of a three or more member board of directors. However, the board must consist of an odd number of directors (15951).

If formed pursuant to a consolidation or reorganization of two or more districts into a single district, LAFCO may increase the number of directors of the consolidated or reorganized district to 7, 9, or 11. As terms expire, the number of directors shall be reduced through attrition until the number of directors is in conformance with the district's principal act or a larger number specified by LAFCO (15973.1).

Function

The specific powers that the board of directors may exercise are to acquire, construct, own, operate, control, or use, inside or outside or partly inside and partly outside the district, works for supplying its inhabitants with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposition of garbage, sewage, or refuse matter, and may do all things necessary or convenient to the full exercise of the powers granted in this article (Public Contracts Code Section 20202.3).

A district may also acquire, construct, own, complete, use, and operate a fire department; street lighting system; public parks; public playgrounds; golf courses; public swimming pools; public recreation buildings; buildings to be used for public purposes; works to provide for the drainage of roads, streets, and public places, including but not limited to curbs, gutters, and sidewalks; and pavement of streets (16463).

Formation

The formation process is initiated by a petition signed by voters of the proposed district equal to 15% of all votes cast for all candidates for governor at the last general election at which a governor was elected. There is no provision for initiation by resolution (15702).

Prior to circulating petitions, the proponent shall file with the LAFCO Executive Officer a Notice of Intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth

the reasons for the proposal. After filing the notice, the petition may be circulated for signatures (Government Code 56700.4).

After the formation proceedings have been initiated with San Diego LAFCO, a noticed public hearing is held. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made.

At the conducting authority stage, the Commission may terminate the proceedings if it finds that the proposed district is uneconomical or infeasible, or it may call for an election. There is no provision for majority protest (15736 & 15738).

If an election is called and a majority of the qualified voters of the district vote in its favor, the district shall be formed (15791).

The following territory may be included within the proposed boundaries of a public utility district:

1. Contiguous or noncontiguous territory (17301); and
2. Unincorporated territory (15701).

Annexation

After the district has been formed, the boundaries of the district may be altered by the annexation of unincorporated, contiguous territory, or the annexation of non-contiguous territory of at least 10 privately owned acres lying within three miles of the closest district boundary (17301 & 17362).

Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.

Sanitary District

(Sections 6400 - 6830, Health and Safety Code)

Governing Body

The governing body, which is established by law to administer the operation of a sanitary district, is composed of a five-member elected board of directors and an assessor (6480).

If formed pursuant to a consolidation or reorganization of two or more districts into a single district, LAFCO may increase the number of directors of the consolidated or reorganized district to 7, 9, or 11. As terms expire, the number of directors shall be reduced through attrition until the number of directors is in conformance with the district's principal act or a larger number specified by LAFCO (6480.1).

Functions

The specific powers that the board of directors may exercise are the acquisition, planning, construction, reconstruction, alteration, enlargement, laying, renewing, replacing, maintenance, and operation of (6512):

1. Garbage dump sites, garbage collection, and disposal systems;
2. Sewers, drains, septic tanks and sewerage collection and disposal systems, outfall treatment works, and other sanitary disposal systems;
3. Storm water drains and storm water collection, outfall and disposal systems, and water reclamation and distribution systems; and
4. Water recycling and distribution systems.

In addition to these specific powers, the board of directors also may exercise certain other general powers in the operation of the district. For a listing of these general powers, refer to Sections 6510 - 6550.1 of the Health and Safety Code.

Formation

The formation process is initiated only by a petition filed with San Diego LAFCO and signed by 25 persons living in the proposed district. If more than one county is included in the proposed district, 15 signers must live in the principal county and 10 signers may live in the other county(ies) (6420).

Prior to circulating petitions, the proponent shall file with the LAFCO Executive Officer a Notice of Intention that includes the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. After filing the notice, the petition may be circulated for signatures (Government Code 56700.4).

After the formation proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony, the Commission may either approve, modify, or deny the proposed formation. If it is approved, the Commission also will adopt terms and conditions for the formation, and establish a sphere of influence for the new district. Then the proposed formation is scheduled for a conducting authority hearing where no further modifications may be made.

At the conducting authority hearing, the Commission may terminate further proceedings or it may call for an election (6440 - 6446).

At the election, if a majority of the qualified voters within the proposed district vote in favor of formation, the district shall be established (6465).

The following territory may be included within the proposed boundaries of a sanitary district:

1. Contiguous territory in one or more counties (6830); and
2. Incorporated and/or unincorporated territory.

Annexation

After the district has been formed, the boundaries of the district may be altered and outlying incorporated or unincorporated, contiguous or noncontiguous territory in the same or adjoining county(ies) may be annexed to the district. Proceedings for annexation are initiated pursuant to Section 56000, et seq. of the Government Code.